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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,670	12/04/2003	Daniel Alejandro Romero Elizondo	78609	8858

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FITCH EVEN TABIN AND FLANNERY  
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CHICAGO, IL 60603-3406

EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/728,670

Applicant(s)

ELIZONDO ET AL.

Examiner

George D. Spisich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 6, 7, 10-12, 15-17 and 20-34 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 13, 14, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 19, line 3, there is claimed "ones of the" anchor points. This should be replaced with - - respective - -. This correction adds clarity and readability.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,8,9,13,14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (USPN 3,052,432).

Martin was discussed in the First Office Action, but is used in this new rejection.

Martin discloses a restraint system for a vehicle seat that provides a seat occupant options for multiple seat belt arrangements, the restraint system comprising a plurality of anchor points at predetermined location about the seat for seat belt webbing. The arrangement of Martin could be arranged as one of a three or a four point arrangement. At least a four point arrangement is shown in Figure 2 if the anchor point between the legs of the occupant is not used, which would be an "option" of the occupant. Also, there is a five point arrangement that is an option of the occupant. The seat has opposed lateral sides, the plurality of anchor points comprise a pair of points along each side of the seat, and the seat belt webbing includes a first belt member each side of the seat extending between one of the pairs of anchor points along one side of the vehicle seat, and a second belt member extending between the other of the pairs of anchor points along the other side of the seat.

The Martin arrangement has the "option" for the occupant to arrange either multiple 3 point arrangements, a four point arrangement and a five point arrangement (this is a total of 4 "options").

The connector (16) allows for a left shoulder belt and right and left laps belts (one 3 point), a right shoulder belt and right and left lap belts (a second 3 point symmetrical to the first), both shoulder belts and lap belts (a four point) and then an additional belt between the legs (a five point). This connector has at least a dual buckle to each of the tongues in the five point arrangement.

The vehicle seat includes seat framework and the vehicle seat is mounted within the vehicle having a vehicle structure and the anchor points are mounted to one of the

seat framework and the vehicle structure. Martin discloses the seat belt arrangement to be anchored to member 1 (shown in Figure 1). This member is disclosed as a frame and is considered to be a point "located off the vehicle seat" since the seat is element 2.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,8,9,13,14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker (USPN 5,306,044) in view of Martin (USPN 3,052,432).

Examiner maintains that Martin shows at least one of the anchors located "off of the vehicle seat", but has further rejected the claims.

Tucker discloses a restraint system for a vehicle seat that provides a seat occupant options for multiple seat belt arrangements, the restraint system comprising a plurality of anchor points at predetermined location about the seat for seat belt webbing. The arrangement of Tucker could be arranged as one of a three or a four point arrangement. The seat has opposed lateral sides, the plurality of anchor points comprise a pair of points along each side of the seat, and the seat belt webbing includes a first belt member each side of the seat extending between one of the pairs of anchor points along one side of the vehicle seat, and a second belt member extending

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between the other of the pairs of anchor points along the other side of the seat. At least one of the anchors is located off of the vehicle seat.

The Tucker arrangement has the "option" for the occupant to arrange either multiple 3 point arrangements (a right shoulder and both lap portions, or a left shoulder and both lap portions), and a four point arrangement.

The connector (12) allows for a left shoulder belt and right and left laps belts (one 3 point), a right shoulder belt and right and left lap belts (a second 3 point symmetrical to the first), and both shoulder belts and lap belts (a four point).

The vehicle seat includes seat framework and the vehicle seat is mounted within the vehicle having a vehicle structure and the anchor points are mounted to one of the seat framework and the vehicle structure. Tucker discloses the seat belt arrangement to be anchored to member 102 (shown in Figure 1) located off of the vehicle seat.

However, Tucker does not disclose an anchor or connector therefore a five point arrangement.

Martin discloses a five point arrangement with the 5<sup>th</sup> point arrangement between the legs of the occupant and provides a connector which accommodates the connection of the seat belt webbing as a five point arrangement. This arrangement provides added stability and security for the vehicle seat occupant.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the arrangement of Tucker by adding a belt and connector to provide a five point arrangement as taught by Martin for added stability and security.

***Allowable Subject Matter***

Claims 4,6,7,10-12,15-17 and 20-34 are allowed.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

Examiner restates the interpretation that Martin and Tucker in view of Martin show upper anchor points located "off the vehicle seat". Any argument that the seat of Martin is an ejection seat does not prevent the frame member of Martin from being considered "off the vehicle seat". This allows for the rejection of previously allowed claims and prevents the addition of one of the anchors being "off the vehicle seat" from making certain claims allowable. Due to this reason, this action is Non-Final. Examiner apologizes for the confusion and delays.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
August 17, 2006



8/21/06  
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